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6 EPIDEMIC SOUND, AB,
7 Plaintiff,
8 v.
9 META PLATFORMS, INC.,
10 Defendant.

Case No. [22-cv-04223-JSC](#)

ORDER ON MOTION TO DISMISS

Re: Dkt. No. 29

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12 Epidemic Sound (“Plaintiff”) brings this lawsuit for copyright infringement against Meta
13 Platforms (“Defendant”). (Dkt. No. 1.)¹ Defendant moves to dismiss for failure to state a claim
14 under Federal Rule of Civil Procedure 12(b)(6). (Dkt. No. 29.) In the alternative, Defendant
15 moves for a more definite statement under Rule 12(e). (*Id.*) After carefully considering the
16 briefing submitted, the Court concludes oral argument is unnecessary, *see* Civ. L.R. 7-1(b),
17 vacates the hearing scheduled for December 1, 2022, GRANTS the request for judicial notice,
18 and DENIES Defendant’s motion.

19 The complaint provides “fair notice of what the . . . claim is and the grounds upon which it
20 rests,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (cleaned up), and Plaintiff pleads
21 “factual content that allows the court to draw the reasonable inference that the defendant is liable
22 for the misconduct alleged,” *Ashcroft v. Iqbal*, 556 U.S. 662, 663 (2009). Moreover, Defendant’s
23 motion improperly relies on materials outside the complaint—such as pre-suit investigations and
24 Plaintiff’s website information. (Dkt. No. 29 at 14, 15 n.19.) An initial Case Management
25 Conference is set for January 12, 2023 at 1:30 p.m. via Zoom video. A joint Case Management
26 Statement is due one week in advance.

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28 ¹ Record citations are to material in the Electronic Case File (“ECF”); pinpoint citations are to the
ECF-generated page numbers at the top of the documents.

1 This Order disposes of Docket Nos. 29 and 30.

2 **IT IS SO ORDERED.**

3 Dated: November 28, 2022

Jacqueline Scott Corley
JACQUELINE SCOTT CORLEY
United States District Judge

United States District Court
Northern District of California

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